



WP(MD). No.14550 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 02/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.14550 of 2024 and
WMP(MD) Nos.12771 to 12775 of 2024**

1. Sahaya Britto. M,
2. D.Pechiammal,
3. A.Renuga,
4. P.Ruparani,
5. Kr.Alagurani,
6. R Dhanapackiam @ Sumathi,
7. E.Ranisenthamarai,
8. N.Veerajothi,
9. N.Jesima Begum,
10. V.Francis,
11. A.Joanysubalton,
12. S.Karthikeyan,
13. R.Selvakumar,



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14. R.Ramaiah,

15. S.Palanivelmurugu,

16. M.Balamurugan,

17. C.Sevugamoorthy,

18. M.Rajkumar,

19. M.Rajasekaran,

... Petitioners

Vs

1. The Government of Tamil Nadu,
Rep by its Principal Secretary to
Government, (School Education)
Fort St.George, Chennai-9..

2. The Director of School Education,
Dpi Campus, College Road,
Nungampakkam, Chennai-6..

3. The State Project Director,,
Integrated Scheme For School Education,
Samagrashiksha (Ss),State Project Office,
Dpi Campus, Chennai 6..

4. The Joint Director (Personal),
Department of School Education ,
Dpi Campus, College Road,
Nungampakkam, Chennai-6..

5. .The Chief Educational Officer,
Sivagangai, Sivagangai District..



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6. The Chief Educational Officer,
Ramanathapuram, Ramanathapuram District..

7. The Chief Educational Officer,
Theni, Theni District..

8. The Chief Educational Officer,
Dindigul, Dindigul District.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned proceedings in Lr.No. 3835/Pa.Ka 5(1)/2024-1 dated 29.04.2024 of the 1st respondent herein and the consequential impugned proceedings in Na.ka.No 26366 / C3/ E1 /2024 dated 22/06/2024 of the 2nd respondent herein and quash the same in so far as conducting BT Assistant transfer counseling within a revenue district, one district to another district for the academic year 2024-25 and consequently direct the respondents herein to conduct BRTes conversion counseling before the BT Assistant transfer counseling for the academic year 2024-25 as per the G.O.(1D) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein.

For Petitioner : Mr.Pon Ramkumar T,
For Respondents : Veera Kathiravan
Additional Advocate General
assisted by Mr.T.Amjad Khan
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.



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2. Heard the learned counsel for the petitioner and the learned Additional Advocate General assisted by the learned Government Advocate for the respondents.

3. The writ petition has been filed challenging the order of the 1st respondent dated 29.04.2024 and the consequential impugned proceedings dated 22/06/2024 of the 2nd respondent herein insofar as conducting BT Assistant transfer counseling within a revenue district and one district to another district for the academic year 2024-25 and consequently direct the respondents herein to conduct BRTEs conversion counseling before the BT Assistant transfer counseling for the academic year 2024-25 as per the G.O.(1D) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein.

4. The petitioners claim themselves as candidates listed as BRTEs, who have been listed for BT conversion counselling to be held in the year 2023.



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5. Earlier when the conversion was introduced subsequent to the issuance of G.O.(1d) No.134 dated 18.08.2021, it is stated in the said order that each year 500 BRTes have to be selected for BT conversion and they are entitled to participate in the counselling. One of the guidelines set out in the above Government order is that when the counselling is conducted, the counselling for BRTes listed for conversion should be conducted prior to the general counselling for BT Assistants.

6. It is pertinent to refer that some of the teachers have already challenged certain clauses in the above Government order dated 18.08.2021 by filing various writ petitions in WP(MD) No.19707/2021 etc. batch. The said writ petitions were disposed of on the undertaking given by the respondent department. However, individual persons have challenged the same by filing writ appeals in WA(MD) No.2230/2023 etc. batch, in which, the Division Bench has passed the following order:

“24.An employee is liable to be transferred at any place and post. Post can never be claimed as status and the post is not the choice of the employees and they are expected to serve, wherever they are posted. The



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guidelines, transfer policies or concessions are extended for the benefit of the employees and in the interest of administration. However, such guidelines would not confer an absolute right for an employee to seek a particular place or post. The guidelines are issued to minimize the discrepancies and therefore, such discrepancies even if noticed would not provide cause for the employees to assail the order of administrative transfers. When the employees have no right to challenge the order of transfer except on the limited grounds discussed by us in the aforementioned paragraphs, they cannot indirectly challenge the policy guidelines, which were issued for such transfers and therefore, the very basis for the challenge is untenable.”

7. However, the learned Additional Advocate General has emphasized that the Government order in G.O.Ms.No.134 dated 18.08.2021, giving priority in counseling only for a limited period ie., for the year 2021-2022 and it is not applicable to the list of BRTEs selected for conversion during the subsequent years.

8. When the Government order specifically states that selecting from the BRTEs for BT conversion, should be short-listed for each year



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and that too 500 in numbers, it is difficult to presume that the counseling is contemplated as a short work, pertaining to the academic year 2021-22.

9. It is the grievance of the petitioners that the notification for BT Assistant counseling has been already issued. Since the guidelines for BRTEs has already been issued in G.O.No.134 dated 18.08.2021, it is obligatory on the part of the respondents to follow the same.

10. However, it is brought to the notice of this Court that transfer counselling list has already been released as early as on 29.04.2024 by scheduling it to 03.07.2024. But so far, it has not been challenged before this Court. The learned counsel for the petitioners submitted that the petitioners have already given their representation on 17.05.2024, which were not taken up for consideration. The learned Additional Advocate General asserted that ensuring the priority counselling for BRTEs under clause 4(I)(gg) of the G.O.(1D) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 is only by taking into consideration of the situation that prevailed at the relevant point of time. For the sake of



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clarity, the clause 4(I)(ஐ) is extracted below:

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“ஐ.ஆசிரியர் பயிற்றுநர்களுக்கான கலந்தாய்வு
2021-2022ஆம் கல்வியாண்டில் ஆசிரியர்களுக்கான பொது
மாறுதல் கலந்தாய்வுக்கு முன்னர் நடத்தப்பட வேண்டும்.□

11. It is stated that at the relevant point of time, there were zero vacancies of BRTes and hence as a special case, priority counseling was suggested. If literal interpretation is given to Clause 4(இ)(ஐ) of the above Government order, the petitioners may not have a better case for demanding that the counseling for them should be conducted in a priority phase for them. Since, the Government order 500 persons holding the posts of BRTes should be earmarked for conversion each year, the guidelines ought to have been made specific, whether the priority is applicable to the academic year 2021-22 or only whether it should be extended to the following years, as well and till the completion of BRTes conversion. In this regard, the second and third respondents have to issue clarification,

12. Since the counseling for BT Assistant is going to be conducted



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on 03.07.2024 stalling the counseling would cause confusion for all those individuals, who have already been listed for counseling. Unless a clarificatory note is given by the Government in this regard, no order to stop the counseling be passed. The petitioners themselves could have filed writ petitions seeking direction to call for clarification in order to avoid last minute rush or confusion.

13. With the above observations, the writ petition is disposed of with a direction to the respondents 2 and 3 to issue clarification within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petitions are closed.

02.07.2024

RR



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TO

1. The Principal Secretary to
Government, (School Education)Fort St.George, Chennai-9..

2. The Director of School Education,
Dpi Campus, College Road,
Nungampakkam, Chennai-6..

3. The State Project Director,,
Integrated Scheme For School Education,
Samagrashiksha (Ss),State Project Office,
Dpi Campus, Chennai 6..

4. The Joint Director (Personal),
Department of School Education ,
Dpi Campus, College Road,
Nungampakkam, Chennai-6..

5. .The Chief Educational Officer,
Sivagangai, Sivagangai District..

6. The Chief Educational Officer,
Ramanathapuram, Ramanathapuram District..

7. The Chief Educational Officer,
Theni, Theni District..

8. The Chief Educational Officer,
Dindigul, Dindigul District.



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R.N.MANJULA,J

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